



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

February 7, 2007

The Honorable Judith Spang, Chairman  
Resources, Recreation and Development Committee  
Legislative Office Building, Room 305  
Concord, New Hampshire 03301

**Re: HB 252, relative to exemptions from the permitting process for excavating and dredging**

Dear Chairman Spang:

Thank you for the opportunity to comment on HB 252, which would exempt the installation of temporary seasonal docks on lakes or ponds that are not close to areas designated as prime wetlands. Or, stated differently, would *not allow* this exemption for the installation of temporary seasonal docks in or adjacent to prime wetlands. The Department of Environmental Services (DES) supports this bill.

RSA 428-A:15 authorizes municipalities to designate wetlands located within their municipality as prime wetlands because their size, unspoiled character, fragile condition or other relevant factors make them of substantial significance. Further, RSA 482-A:11, IV requires DES to meet the more rigorous clear and convincing evidence standard when permitting activities proposed to be undertaken in or adjacent to an area designated as a prime wetland.

Currently, RSA 482-A:3, IV-a exempts the construction of temporary seasonal docks from any permitting requirements. As a result, these types of structures are not evaluated to assess potential impacts to prime wetlands. DES recognizes that the construction of docks and the associated operation of watercraft in and around prime wetlands could have significant adverse effects to the prime wetlands.

DES believes that allowing docks to be constructed in or adjacent to areas designated as prime wetlands without benefit of a review and permitting process is in conflict with the intent of RSA 482-A:11 and A:15, which provides these same areas with additional protections. Passage of this legislation would remove that conflict and require that dock construction be subjected to the same scrutiny as any other activity proposed to be undertaken in or adjacent to an area designated as a prime wetland.

Thank you for this opportunity to comment on this bill. Please feel free to call me at 271-3503, or Collis Adams at 271-4054, if you have any questions or need additional information.

Very truly yours,

Thomas S. Burack  
Commissioner

cc: Representatives Beaulieu, Powers, Borden, and Hassan